

REMARKS/ARGUMENTS

Upon entry of the above amendment, claims 28-35 will have been submitted for reconsideration by the Examiner. Claims 13-27, as amended in the response entered on December 8, 2003, are also pending and are submitted for reconsideration by the Examiner. In view of the above, Applicant respectfully requests reconsideration of the outstanding rejection and withdrawal of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

In the final Official Action mailed on October 6, 2003, the Examiner has rejected claims 13-27 under 35 U.S.C § 103(a) as being unpatentable by OKAMOTO et al. (U.S. Patent No. 5,805,678) in view of YOSHIDA et al. (U.S. Patent No. 6,463,132 B1).

These claims are submitted to be patentable over the cited and applied references based on arguments and remarks set forth in the reply filed on December 8, 2003, which are incorporated herein by reference.

Applicant's claims 13-15, 18-20 and 23-25 relate to a receiving modem, a communication control apparatus and a method for controlling a communication having a receiving modem that transmits a facsimile control signal, communicates with a transmitting modem based on the communication procedure specified in ITU Recommendation V.8 when a CM signal is detected as the response signal, and data communicates with the transmitting modem when a signal used in data communication is detected as the response signal.

On the other hand, YOSHIDA et al. relates to a receiving modem which executes a facsimile communication and a voice or speech communication based on a capability of the receiving party. However, YOSHIDA et al. does not contain any disclosure about "data communication", although this term is mentioned therein. Specifically, column 11, lines 5-20 and column 12, lines 10-20 of YOSHIDA et al. explain an automatic FAX-TEL selection mode. However, this description of these selections bear no relation to the "data communication" recited in the pending claims. Rather, it relates to facsimile and voice (i.e., telephone) communications. Data communication is ordinarily utilized to describe a communication in which character data are transmitted and received, unlike facsimile communication in which image data are transmitted and received, and unlike telephone communication in which voice signals are transmitted. Thus, YOSHIDA et al. does not disclose "data communication" which is explicitly recited in the claims.

Therefore, it is respectfully submitted that the features recited in Applicant's claims 13-15, 18-20 and 23-25 are not disclosed in YOSHIDA et al. cited by the Examiner.

OKAMOTO et al. relates to a facsimile system which utilizes a subunit of a cordless telephone. The facsimile system has a parent unit which is connected to a telephone line. The facsimile system also has a facsimile unit and a telephone unit which are connected by radio to the parent unit. When a CNG signal is detected, the parent unit connects the facsimile unit by radio, and when a CNG signal is not detected, the parent unit connects the telephone unit by radio. However, OKAMOTO et al. does not contain

any disclosure about "data communication". Although column 62, line 65 of OKAMOTO et al. refers to ITU Recommendation V.32, this describes an "voice" signal and a moving picture. Thus, OKAMOTO et al. also does not disclose "data communication" as recited herein.

Therefore, it is respectfully submitted that the features recited in Applicant's claims 13-15, 18-20 and 23-25 are not disclosed in OKAMOTO et al. cited by the Examiner. The pending claims are submitted to also be patentable over the Examiner's proposed combination, since neither of references YOSHIDA et al. and OKAMOTO et al. discloses the combination of features recited in Applicant's claims 13-15, 18-20 and 23-25.

Applicant's claims 16-17, 21-22 and 26-27 also relate to a receiving modem, a communication control apparatus and a method for controlling a communication having a receiving modem that transmits a data communication signal, detects a response signal to the data communication signal transmitted from the transmitting modem, and communicates with the transmitting modem based on the communication procedure specified in ITU Recommendation V.8 when a CM signal is detected as the response signal.

On the other hand, YOSHIDA et al. relates to a receiving modem which executes a facsimile communication and a voice or speech communication based on a capability of the receiving party. However, YOSHIDA et al. does not disclose communicating with the transmitting modem based on the communication procedure specified in ITU

Recommendation V.8 when a CM signal is detected as a response signal to the data communication signal. Thus, YOSHIDA does not disclose the combination of the features recited in the claims.

Therefore, it is respectfully submitted that the features recited in Applicant's claims 16-17, 21-22 and 26-27 are not disclosed in YOSHIDA et al. cited by the Examiner.

OKAMOTO et al. relates to a facsimile system in which, when a CNG signal is detected, the parent unit connects the facsimile unit by radio, and when a CNG signal is not detected, the parent unit connects the telephone unit by radio. However, OKAMOTO et al. does not disclose communicating with the transmitting modem based on the communication procedure specified in ITU Recommendation V.8 when a CM signal is detected as a response signal to the data communication signal. Thus, OKAMOTO et al. also does not disclose the combination of the features recited in the claims.

Therefore, it is respectfully submitted that the features recited in Applicant's claims 16-17, 21-22 and 26-27 are not disclosed in OKAMOTO et al. cited by the Examiner. The pending claims are submitted to also be patentable over the Examiner's proposed combination, since neither of references YOSHIDA et al. and OKAMOTO et al. discloses the combination of features recited in Applicant's claims 16-17, 21-22 and 26-27.

Applicant's claims 28-30 and 32-34 also relate to a receiving modem and a communication control apparatus that transmits a DIS signal specified in ITU

Recommendation T.30, communicates with the transmitting modem based on the communication procedure specified in ITU Recommendation V.8 when a CM signal is detected as the response signal, facsimile communicates with the transmitting modem based on the communication procedure specified in ITU Recommendation T.30 when a DCS signal specified in ITU Recommendation T.30 is detected as the response signal, and data communicates with the transmitting modem when a signal used in data communication is detected as the response signal.

On the other hand, YOSHIDA et al. relates to a receiving modem which executes a facsimile communication and a voice or speech communication based on a capability of the receiving party. However, YOSHIDA et al. does not disclose a controller that executes one of three types of communications, e.g. a communication based on V.8, a facsimile communication, and a data communication, based on a detected response to the DIS signal transmitted from the transmitter. Thus, YOSHIDA does not disclose the combination of the features recited in the claims.

Therefore, it is respectfully submitted that the features recited in Applicant's claims 28-30 and 32-34 are not disclosed in YOSHIDA et al. cited by the Examiner.

OKAMOTO et al. relates to a facsimile system in which when a CNG signal is detected, the parent unit connects the facsimile unit by radio, and when a CNG signal is not detected, the parent unit connects the telephone unit by radio. However, OKAMOTO et al. does not disclose a controller that executes one of three types of communications, e.g. a communication based on V.8, a facsimile communication, and a data

communication, based on a detected response to the DIS signal transmitted from the transmitter. Thus, OKAMOTO et al. also does not disclose the combination of the features recited in the claims.

Therefore, it is respectfully submitted that the features recited in Applicant's claims 28-30 and 32-34 are not disclosed in OKAMOTO et al. cited by the Examiner. The pending claims are submitted to also be patentable over the Examiner's proposed combination, since neither of references YOSHIDA et al. and OKAMOTO et al. discloses the combination of features recited in Applicant's claims 28-30 and 32-34.

Applicant's claims 31 and 35 also relate to a receiving modem and a communication control apparatus that transmits an AC signal specified in at least one of Recommendation V.22 and V.23, communicates with the transmitting modem based on the communication procedure specified in ITU Recommendation V.8 when a CM signal is detected as the response signal, data communicates with the transmitting modem when a signal used in data communication is detected as the response signal and sets a telephone mode for voice communication when a response is not detected.

On the other hand, YOSHIDA et al. relates to a receiving modem which executes a facsimile communication and a voice or speech communication based on a capability of the receiving party. However, YOSHIDA et al. does not disclose a controller that executes one of three types of communications, e.g. a communication based on V.8, a data communication, and a telephone mode, based on a detected response to the AC signal specified in at least one of Recommendation V.22 and V.23 and transmitted from

the transmitter. Thus, YOSHIDA does not disclose the combination of the features recited in the claims.

Therefore, it is respectfully submitted that the features recited in Applicant's claims 31 and 35 are not disclosed in YOSHIDA et al. cited by the Examiner.

OKAMOTO et al. relates to a facsimile system in which when a CNG signal is detected, the parent unit connects the facsimile unit by radio, and when a CNG signal is not detected, the parent unit connects the telephone unit by radio. However, OKAMOTO et al. does not contain the controller that executes one communication of three type communications, e.g., a communication on V.8, a data communication, and a telephone mode, based on detecting a response to the AC signal specified in at least one of Recommendation V.22 and V.23 and transmitted from the transmitter. Thus, OKAMOTO et al. also does not disclose the combination of the features recited in the claims.

Therefore, it is respectfully submitted that the features recited in Applicant's claims 31 and 35 are not disclosed in OKAMOTO et al. cited by the Examiner. The pending claims are submitted to also be patentable over the Examiner's proposed combination, since neither of references YOSHIDA et al. and OKAMOTO et al. discloses the combination of features recited in Applicant's claims 31 and 35.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection and an indication of the allowability of all the claims pending in the present application in due course.

SUMMARY AND CONCLUSION

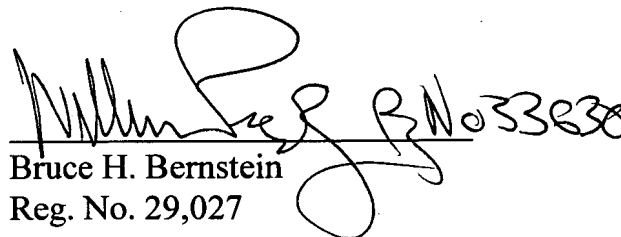
Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has pointed out the shortcomings of the references relied on by the Examiner with respect to the pending claims. Applicant also has submitted the new claims for consideration by the Examiner. With respect to the submitted claims, Applicant has pointed out the features thereof and has contrasted the features of the submitted claims with the disclosure of the references.

Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all claims in the present application and respectfully requests an indication of the allowability of all the claims pending in the present application in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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